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Sixtieth session

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Held at the Palais des Nations, Geneva,
on Tuesday, 15 July 1997, at 10 a.m.

Chairman: Mrs. CHANET

later: Mrs. MEDINA QUIROGA

later: Mrs. CHANET

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4)

Initial report of Slovakia (CCPR/C/81/Add.9)

1. At the invitation of the Chairman, Mrs. Krasnohorská, Mr. Grexa, Mr. Ježovica, Mrs. Lamperová, Mr. Prochacka and Mrs. Tuhovčáková (Slovakia) took places at the Committee table.

2. Mrs. KRASNOHORSKA (Slovakia) said that her delegation welcomed the opportunity for constructive dialogue with the Committee. Acknowledging the assistance received in connection with the preparation of her country's initial report, her delegation saw its consideration not as an end in itself but as a stage in the ongoing process of extending and consolidating the protection and enjoyment of the rights and freedoms established by the Covenant.

3. With the adoption of the Declaration of Sovereignty of the Slovak Republic on 17 July 1992, the basic undertaking had been given to respect "the rights of all citizens, all nations, all national minorities and ethnic groups, as well as the democratic and humanistic heritage of Europe and the world". As one of the successor States to the Czech and Slovak Federal Republic, Slovakia had taken over earlier international obligations, and was keenly aware of its responsibilities for the safeguarding of pluralistic democracy and the protection of human rights, within the framework of the rule of law.

4. Reviewing the constitutional and other legal guarantees of rights and freedoms in Slovakia, she called particular attention to article 46 (1) of the 1992 Constitution, which established the "right to an independent and impartial court hearing and, in cases designated by law, to another body of the Slovak Republic", and cited different aspects of the broad competence of the Constitutional Court to hear complaints of judicial infringements of human rights, subject to certain conditions.

5. In relation to article 1 of the Covenant, she pointed out that the right to self-determination, as defined in the Declaration of Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, was central to the Preamble of the Slovak Constitution and was reflected in the provisions of its article 7. Slovakia saw in the right of nations to self-determination the fundamental underpinning of all individual human rights.

6. In relation to article 2 of the Covenant, she remarked that a proper understanding of the Covenant was a prerequisite for its integration into a country's legal system. To that end, the text of the Covenant, as well as a number of related analyses and commentaries, had been published and made accessible to the public at large in Slovakia, so that everybody might be informed of the obligations entered into by the State and made aware that remedies were available if rights and freedoms were violated.

7. Concerning article 3 of the Covenant, and the equal right of men and women to the enjoyment of all economic, social and cultural rights set out therein, she called attention to articles 12 (2), 35 (1) and 36 of the Slovak Constitution, and more especially to article 38 (1), which prescribed affirmative action in regard to the health at work and working conditions of women, minors and persons with impaired health. In 1996, as a party to the relevant Convention, Slovakia had submitted an initial report to the Committee on the Elimination of Discrimination Against Women.

8. The provisions of article 4 of the Covenant, concerning derogations in time of public emergency, were the subject of legislation that was under preparation and was expected to strengthen the guarantees provided in article 12 (2) of the Constitution and to ensure that any limitations on the enjoyment of basic rights and liberties must be sanctioned by law, matched to the degree of actual threat to social order and compatible with any obligations incumbent on Slovakia under international law.

9. Concerning the right to life (Covenant, art. 6) and more especially the issue of capital punishment, she recalled that the abolition of the death penalty in 1990 had been confirmed in article 15 (3) of the Constitution. Her delegation had been a sponsor of resolution 1997/12 adopted by the Commission on Human Rights at its fifty-third session, and although the issue remained controversial, the Government had made it clear that the reintroduction of the death penalty would be incompatible with Slovakia's international obligations and was not contemplated as part of the current reform of the Penal Code.

10. With regard to the prohibition of torture or other cruel, inhuman or degrading treatment or punishment (Covenant, art. 7), she recalled that the visit of the European Committee for the Prevention of Torture to Slovakia in 1995, its report and the recommendations it had addressed to the Government had been reported in the press and widely discussed. Beyond prohibition, a special effort was being made to establish an efficient system for the investigation of complaints by citizens and to draw the appropriate conclusions when there were findings of culpability.

11. The sexual exploitation of children as such was not the subject of specific legislation in Slovakia; applicable laws were those relating to sexual corruption and the corruption of minors. Since 1990, stronger legal measures had been enacted to criminalize the exploitation of prostitution of others, as well as the production, import and dissemination of, and provision of public access to, materials of a pornographic nature or constituting an affront to morality, including the representation of sexual acts performed with children. While what the law defined as sexual corruption of children was a relatively frequent occurrence in Slovakia (several hundreds of cases), recourse to such activity for commercial purposes, i.e. to produce child pornography, appeared to be quite rare. According to official figures, only four such cases had been brought before the courts since 1992, but such criminal behaviour might well be on the increase, and to take account of that unwelcome reality, investigations had been entrusted to the special police unit set up in February 1997 to deal with crimes committed by and against young people. A number of laws had been enacted to protect women from sexual violence and exploitation, and notably to combat the traffic in women.

12. In relation to the freedom to seek, receive and impart information and ideas of all kinds, as defined in article 19 of the Covenant, she stressed the importance of ensuring that the very expression of that freedom was not impeded by the stranglehold of over-powerful media. Article 20 of the Covenant, prohibiting propaganda for war and advocacy of national, racial or religious hatred - both of which were criminal offences in Slovakia - offered an example of justified limitation of the freedom of expression.

13. Concerning article 24 of the Covenant, she described some of the current legislation in Slovakia as it related to the protection of children's rights, singling out for particular attention the distinction established in the Family Act between the principles of *materna semper certa est* and *pater incertus*.

14. In connection with article 25 of the Covenant, she described the Slovak legislation relating to the political rights of citizens, notably the right to vote and to be elected.

15. Concluding her presentation, she said that the contribution of some 40 non-governmental organizations (NGOs) active in the field of human rights in Slovakia was irreplaceable in heightening people's awareness of their rights and their understanding of human rights issues in general. She singled out for particular attention the information, research and education activities carried out by the Slovak National Centre for Human Rights, an independent body set up in 1994 by agreement between the Government and the United Nations and financed by national and international public and private funds. She voiced the conviction of her Government that strict and scrupulous respect for the human rights instruments to which the country was a party was indispensable to the establishment of a modern and democratic society and the achievement of individual aspirations to happiness, independence and liberty.

16. The CHAIRMAN thanked the representative of Slovakia for her detailed presentation and invited replies to the questions in the list of issues (CCPR/C/60/Q/SLO/4).

17. Mr. JEZOVICA (Slovakia), replying to question 1, said article 12 of the Constitution laid down that fundamental rights were guaranteed to every person, regardless of sex, race, colour, language, faith, religion, political affiliation or conviction, national or social origin, nationality or ethnic origin, property, birth or any other status. His Government was aware that article 26 of the Covenant carried with it an obligation to create conditions under which the groups referred to in question 1, which for historical reasons were likely to suffer from discrimination, could enjoy their rights. Thus, article 260 of the Penal Code provided that anyone who supported or promoted a movement aimed at suppressing the rights and freedoms of citizens, or who incited racial or religious hatred, was liable to one to five years' imprisonment. The sentence was increased if the medium used was the press, radio or television.

18. In 1995, the Government had appointed a special representative to deal with the problems of groups in need of special assistance. The problem of the Roma, for example, was multifaceted and had a social and cultural dimension. The action taken was aimed at promoting employment, improving living

conditions, rehabilitating ex-prisoners, ex-alcoholics and ex-drug addicts, and improving the education of children. Many Roma children were poorly motivated to attend school, and special preparatory classes had been initiated to familiarize them with the language of instruction. At the secondary level, traditional handicrafts had been incorporated into the curriculum, and prevention programmes had been introduced for children addicted to alcohol or drugs. Counselling and training centres had been set up at the district level in cooperation with interested international organizations.

19. Concerning disabled persons, special benefits had been provided by the Minister of Health, including allowances for special equipment, for adaptations to living quarters and for the purchase of a car. The disabled were also given a special travel allowance and heating allowance, and were entitled to free spa treatment after the age of 70. Employers were encouraged to take on disabled people through the award of tax benefits. The Government met regularly with NGOs to discuss what measures could be adopted to solve current problems.

20. Turning to question 2, he emphasized that in Slovakia there was no tendency towards harassment of Jews, although a small number of isolated incidents had occurred. The skinhead population numbered about 1,700 out of a total population of 5.3 million, and criminal proceedings had been initiated against 10 such persons. Conflicts had certainly been reported between skinheads and Roma, and the Minister of the Interior had held meetings with the latter's representatives to agree on a programme of enhanced protection. Though complaints were sometimes made that protection was inadequate, it must be said that the police were not usually called in until the conflict had escalated, and it was thus difficult to decide which side had started the violence. However, the Government unequivocally condemned such incidents and was doing all it could to prevent them.

21. Mrs. TUHOVCAKOVA (Slovakia), replying to question 3 on the list of issues, said that the rights of women were guaranteed not only under article 12 of the Constitution but also under article 35, relating to the right to work, article 36, relating to the right to just and favourable conditions of work, and article 38, relating to the right to safe and healthy working conditions.

22. The civil and political rights of women were protected not only under the Constitution but also by legislation, and acts of discrimination against them were unlawful. Despite existing obstacles, which were more socio-economic than legal in character, it was noteworthy that the position of women in society had improved in recent years. A number of NGOs had been set up and played an active part in ensuring that women enjoyed effective equality with men. The Government attached great importance to women's rights, and since 1993 had promulgated a number of laws in that area. During the International Year of the Family, an international centre for the study of family questions had been set up in Bratislava, and in March 1996 an advisory committee on women's affairs, chaired by the Minister for Social Affairs, had been established. All draft legislation relating to women was referred to that committee for advice.

23. With regard to the participation of women in political life, she pointed out that the Deputy Minister for Legislative Affairs, the Minister for Foreign Affairs, the Minister for Social Affairs and the Minister of Education were all women, and that there were also a number of women Members of Parliament.

24. Slovakia had taken all necessary steps to eliminate discrimination against women in the field of education: women were guaranteed equal access with men to educational and training establishments at all levels. In employment, women benefited from special provisions regarding night work and from special sickness, pregnancy and maternity allowances. Crèches were provided for children of working mothers between the ages of one and six. It could thus be seen that women's rights were fully respected in Slovakia.

25. Mrs. LAMPEROVA (Slovakia), replying to question 4, said the problem of violence against women and children was regarded by her Government as deserving special attention. In March 1996 it had adopted resolution No. 216, which introduced measures against child pornography and the sexual abuse of women and children. Those measures involved cooperation with Interpol at the international level, as well as cooperation between the police, regional authorities, and the educational, social and health sectors. Under the Penal Code, any act of violence against the life, health, freedom and integrity of the human person was a criminal offence; the Code also provided for compensation for victims of crimes of violence, sexual abuse, trafficking, procuring and illegitimate abortion. If the victims of such crimes were minors, the perpetrators were liable to more severe penalties. In recent years there had been a slight increase in the number of convictions for violence and sexual abuse against women, and four persons a year had been convicted for trafficking over the past three years. It must be admitted, however, that many such crimes went undetected because the victims were unwilling to come forward.

26. A large-scale codification of the Penal Code and of the Code of Criminal Procedure was being planned, and the Minister of Justice had appointed a commission of experts for the purpose. They were to work in consultation with their counterparts in other countries. The commission would be dealing with new problems, unknown under the socialist regime: imported crime had been an unwanted consequence of Slovakia's transition to democracy. A wide-ranging draft law on crime prevention was currently in course of preparation and would shortly come before Parliament.

27. Mr. PROCHACKA, replying to question 5, said it was not possible to provide exact data on the proportion of persons from minorities in public service and in economic life because no statistics were available on the nationality of those so employed. He would therefore confine himself to providing information on the number of persons belonging to minorities, particularly the Hungarian and Roma minorities, in political and public affairs.

28. The Hungarian minority had four political parties, three of which were represented in Parliament as the Hungarian Coalition. That coalition consisted of 17 deputies, representing 11.3 per cent of the total number of deputies, a considerable proportion in view of the fact that Hungarians accounted for only 10.7 per cent of the population as a whole. Minorities

were also represented in the Council for National Minorities, an advisory body composed of experts from ministries and scientific institutions and representatives of the minorities themselves. A similar advisory body was the Commission for National Minority Cultures.

29. The right of minorities to participate in public life was exercised not only through Parliament and the various advisory bodies, but also through self-governing bodies in ethnically mixed municipalities. Here too, precise data were lacking, but in general municipal elections had strongly reinforced the self-governing status of the Hungarian minority at the town and village levels: Hungarians currently had control of some 450 municipalities. In addition, there existed various civil associations and foundations through which Hungarians participated in public affairs, such as the Association of Towns and Villages of Southern Slovakia. There was also the Civitas Foundation, set up in 1994 to assist in the professional upgrading of mayors and deputy mayors of ethnically mixed communities and in the resolution of specific local problems.

30. The situation of the Roma minority was similar to that in all other Central and East European countries. In the last population census (March 1991) more than 80,000 had claimed to be Roma; the estimated size of the Roma population ranged between 250,000 and 500,000, but the majority declared themselves to be of either Slovak or Hungarian nationality according to which was the prevailing nationality in the area concerned. The fact that their national minority status was recognized as being equal to that of other minorities guaranteed their cultural development and gave them the opportunity to strengthen their positive self-image. Although the basic policy towards the Roma had been formulated, their living conditions and overall economic and social situation remained difficult, with high levels of unemployment and criminality and low levels of income and education.

31. Their participation in political and public life had been hindered by the fact that they had 15 political parties and 37 civil associations, all of which sought to promote their well-being but were incapable of forming a united political front. The Roma minority had no representation in the Slovak Parliament. The Roma Civic Initiative recognized the Roma nationality as a separate ethnic group and sought to achieve equality with other minorities living in Slovakia. The Roma Integration Party was opposed to that approach, preferring to seek the more rapid assimilation of the Roma minority. The minority had its own representatives in the Council of the Slovak Government for National Minorities and in the Commission for National Minority Culture.

32. The right of persons belonging to minorities was connected with such spheres as education, culture, language, employment and health care. No official statistics for employment, health care and administrative and other services, broken down according to ethnic, religious and linguistic characteristics, were available. In general, though, all such rights were fully implemented and exercised without distinction, and if there were any difficulties or problems in those areas, such as unemployment, they were certainly not connected with the minority status of the groups concerned.

33. As for education, culture and language, three forms of education had been evolved using minority languages in schools, depending on the specific characteristics of the individual national minorities. There were schools - for the Hungarian minority - that used the minority language as the only language of instruction. There were also schools - for the Ukrainian and German minorities - offering bilingual instruction in both the minority and the State language. Thirdly, there were schools in which the mother tongue was taught as one of the subjects, while the remaining subjects were taught in the State language; those schools were for the Ukrainian, German, Roma and Ruthenian minorities.

34. Education for the Hungarian minority in kindergartens, primary schools and secondary schools was without exception in Hungarian for all subjects, including the teaching of the Slovak language; that was also the system for private and church schools sponsored by the Government. Teachers at schools offering instruction in the Hungarian language were trained at the University of Education in Nitra.

35. For the Roma minority, so-called "zero preparatory classes" had been introduced on an experimental basis in 13 schools with the aim of teaching the Slovak language as the language of instruction by means of the Roma language. Because only a small proportion of Roma children attended pre-school establishments, their language skills were inadequate to cope with the first-grade teaching programme. So far the experiment of "zero preparatory classes" for linguistically disadvantaged and socially neglected children had yielded positive results and it was hoped that they might provide a general solution to the problem of high failure rates by Roma pupils throughout Slovakia. Special instruction was available for teachers in schools with a high concentration of Roma pupils and there were plans to train kindergarten teachers for work in the Roma settlements themselves.

36. A new stage in the history of education of the German national minority had been reached with the opening of classes using German as the language of instruction. Schools offered bilingual teaching of individual subjects, and the German language was taught by teachers from Germany; music, art and physical education were all taught in German.

37. On the basis of requests made by parents who were citizens of Slovakia and of Ruthenian nationality, it was planned that the Ruthenian language and its literature would be taught in some schools. A survey of parents conducted in 47 municipalities and 57 schools had shown that some 600 pupils would be interested in learning those subjects.

38. As to the cultural life of national minorities, there were currently 11 minority culture associations, 4 professional minority theatres (2 for the Hungarian minority, 1 for the Ukrainian and Ruthenian minorities and 1 for the Roma minority), 2 professional song and dance ensembles, minority publishing houses and a minority periodical and non-periodical press. National minority cultural activities were financed at three different levels: from the budgets of municipalities and self-governing units; from the well-developed network of cultural institutions founded by the Ministry of Culture; and by the cultural unions of individual national minorities and minority publishing houses.

39. Mrs. Medina Quiroga took the Chair.

40. Mr. PROCHACKA (Slovakia) said that the right to use a minority language in official communications was guaranteed by article 34 of the Constitution and regulated by the Official Language Act. With the adoption of the State Language Act on 15 November 1995, the Official Language Act had been declared null and void, so the right to use a minority language in official communications was now constitutionally guaranteed by article 34 of the Constitution and by legislation for the protection of national minorities and basic treaties with neighbouring States. The State Language Act had been adopted in accordance with article 6 (1) of the Constitution; under paragraph 2 of that article it was envisaged that a law on the use of languages other than the State language in official communications would be adopted. The State Language Act did not touch on domestic legal provisions regulating the linguistic rights of members of national minorities: the right to receive education in a minority language, to disseminate and receive information in the mother tongue, to use the mother tongue before a court, to have one's name and surname in the mother tongue recognized and to display local names in minority languages were all guaranteed and governed by 11 enactments, including the Slovak Constitution, in accordance with international commitments.

41. Mrs. Chanet resumed the Chair.

42. Mr. GREXA (Slovakia) replying to questions 6, 7 and 8, said that the legal and institutional structures ensuring that the police and security forces respected the rule of law and were independent from political pressure were essentially the same in the two cases. He would take the police as an example. Several mechanisms existed to counter any abuse of power and violation of the law by the police. The operations of the police force were governed by Act No. 171/1993 relating to the Police Corps, which set out in 84 articles what the police could and could not do and under what conditions. The scope for abuse was very limited. The law stipulated that the police must respect the Constitution, the organization laws and other legislation in force. Article 158 of the Penal Code, for example, provided that a police officer who acted unlawfully by exceeding his powers could be imprisoned for between 6 months and 3 years or, if there were aggravating circumstances, up to 10 years. Special mechanisms existed within the police and the Ministry of the Interior to monitor police behaviour. Control was exercised by the Prosecutor-General's Office, which was an autonomous body completely independent of the Ministry of the Interior, and there was the normal recourse to the courts. The Constitutional Court could be approached directly by any person who believed that his rights had been violated. Article 1 (2) of the Police Corps Act stipulated that the operation of the police was controlled by the National Council of the Slovak Republic (Parliament) and by the Government with the same measures of control at their disposal as in other countries.

43. Legislative provisions existed to ensure the impartiality of the police and their immunity from political influence. Act No. 424/1991 relating to Political Parties (art. 5) stipulated that activity by political parties and movements within the police and security forces was not permitted. Indirect influence over the police did exist to some extent, but legislative measures

were taken in the most vulnerable sectors to eliminate that influence: police investigators were independent and operated solely under the Code of Criminal Procedure, the Prosecutor-General and the courts.

44. Article 49 of the Police Corps Act stipulated that individuals in detention might make complaints against the police; the complaints must be submitted in writing to the Commander of the Police Corps, who then examined them. Complaints from people other than those in detention were considered initially by the special departments of the Ministry of the Interior, and if the complaint was of an administrative nature, the Administrative Code was applicable. In 1994 the Control Service of the Ministry of the Interior had examined 2,640 complaints against the police, 665 of which had been found to be legitimate (25 per cent); in 1995 2,690 complaints had been considered and 411 found to be legitimate (15 per cent); and in 1996 3,540 had been examined and 733 found to be legitimate (20 per cent).

45. The use of weapons by the police was also governed by the Police Corps Act, article 61 of which stated that police officers were authorized to use weapons only in situations explicitly enumerated in the article. There were nine such situations, including self-defence and in extremity during the arrest of a dangerous criminal who refused to surrender, preventing a dangerous criminal fleeing if he could not be otherwise stopped, immobilizing a vehicle if the driver was threatening the life or health of others and refused to stop despite repeated requests to do so, and killing an animal that was threatening human life or health. The article made no distinction between the use of firearms and the use of knives, but before using a weapon the police officer was required to issue a warning that he would do so if the person concerned did not stop his criminal activity. He was obliged to fire into the air first unless he was under direct attack or the life or health of others was being threatened. He had to use all necessary prudence and care in protecting the life of the person being targeted, and was obliged to give medical assistance after a weapon had been used. He was also obliged to inform his superiors that he had used a weapon. Violation of those restrictions was rare, and between 1994 and 1996 there had been only one case of improper use of a weapon by the police; a penalty had been imposed on the officer concerned after a disciplinary procedure.

46. As to the rights of accused persons and detainees, article 36 of the Code of Criminal Procedure stipulated that an accused person must be assisted by a legal counsel if he was in custody, serving a prison sentence or under observation in a medical establishment, mentally or physically incapacitated or a minor. An accused must be assisted by legal counsel if an investigating magistrate considered it necessary, and especially if there was doubt about his ability to defend himself due to physical or mental disability. Assistance by legal counsel must also be ensured at the pre-trial stage. Such assistance was obligatory in cases of extradition and in cases entailing the imposition of medical treatment, other than anti-alcoholism treatment. The right to be assisted by a defence counsel was not linked directly to a specific type of crime; it depended on the situation of the accused or the seriousness of the crime. In cases where the law required obligatory defence, the accused could choose his own defence lawyer or the court would allocate one. Article 8 of the Execution of Detention Act stipulated that a detained person had the right to communicate with a lawyer in writing without

restriction and to meet that lawyer in certain conditions prescribed by the Penal Code; he also had the right to ask his lawyer for legal aid, even in matters not linked to the case in which he stood accused.

47. Article 15 of the same Act stipulated that an accused person had the right to a medical examination on admission to and release from prison. Article 70 of the Code of Criminal Procedure stipulated that the fact of imprisonment must be communicated promptly to relatives and to the detained person's supervisor at his place of work. The rights to a defence counsel and to medical assistance and the right of relatives to be informed of any detention were respected in Slovakia, and posed no real problems.

48. Mrs. LAMPEROVA (Slovakia), replying to question 9, said that the United Nations Standard Minimum Rules for the Treatment of Prisoners had been incorporated in the Execution of Detention Act. Living conditions in penal establishments and the procedures followed by their staff were part and parcel of the general treatment of detainees, which had the purpose of giving them the opportunity to enhance the positive aspects of their personalities, develop their capacity to resolve their problems and reintegrate themselves into civil life after leaving prison. The law stipulated that each person held in detention should occupy a minimum area of 3.5 square metres; 84 per cent of prison capacity in Slovakia was currently occupied. Vocational training provided for prison staff included the safeguarding of human rights, social and interpersonal communication and receptivity.

49. Monitoring was carried out by an independent territorial court, the territorial Procurator, the Slovak Parliament, members of the independent Parliamentary Commission on Prisons, the Director-General of Prison Administration and the Minister of Justice. The law provided that the facts relating to all detainees' complaints must be recorded and studied and a reply sent to the complainant or his representative within a specific time-limit. Complaints were reviewed twice a year by the prison's board of directors, the General Inspectorate of Prisons and the board of the Director-General of Prison Administration, with a view to taking suitable steps in specific circumstances.

50. The requisite legislative tasks had not yet been completed, because the country's Penal Code, Code of Criminal Procedure and Civil Code were currently being thoroughly overhauled; efforts were also being made to incorporate various recommendations made by visiting members of the European Committee for the Prevention of Torture. In that regard, a draft penal code had been presented to the Legislative Council of the Republic at the end of May.

51. Mr. JEZOVICA (Slovakia), referring to question 10 on the list of issues, said that freedom of expression was dealt with by article 26 of the Constitution, mentioned in Slovakia's initial report. Three major national laws were relevant: Act No. 160/97 on the Council of the Slovak Republic for Radio and Television Broadcasting; Act No. 254/91 on Slovak television; and Act No. 255/91 on Slovak radio. The Council for Radio and Television Broadcasting had nine members, who were required by law to be at least 21 years of age and resident in Slovakia, have legal capacity and have no criminal convictions. The law did not allow them to be political party activists or employees of public information companies, or to hold any

conflicting commercial interests. The Council supervised the issue of licences and observance of licensing conditions. Its chief role was to uphold the public interest while ensuring respect for broadcasting freedom. In accordance with the law, it reported to the Government on a regular basis, and also to Parliament whenever the latter might require it to do so. The other two bodies each consisted of nine members, of whom three were appointed by Parliament, three by the Government and three by representatives of NGOs, civic associations, churches and ecclesiastical communities. Each body was obliged to submit an annual report to Parliament. Slovakia had transformed the media from a State monopoly; by the end of 1996, it had granted 24 licences for radio broadcasting, 6 for regional and local television broadcasting, and one for satellite television broadcasting. In addition, 44 licences had been granted for cable television broadcasting and a further 76 for cable television broadcasting of mainly foreign programmes. With regard to the press, some 19 daily newspapers were published in Slovakia, as well as 516 periodicals and some 365 local and regional publications covering a broad range of interests and views.

52. With regard to the second sentence of question 10, no new laws prohibiting the expression of opinions deemed subversive to the Republic or damaging to State interests had been enacted. One bill which might have been so deemed, tabled in March 1996, had been rejected by the National Council and therefore had not become law; the views of several international bodies, sought by the Government during the relevant discussions, had been influential in that regard.

53. With reference to question 11, citizens had the constitutional right to participate in public affairs, directly or through chosen representatives. The basic entity of self-government was the municipality; since the Constitution also provided for higher bodies of self-government, however, discussions were in progress between the Government and the municipalities about the establishment of such higher territorial bodies, with a view to the adoption of appropriate measures. The right to take part in the conduct of public affairs was mainly covered by two laws, one on elections to the National Council and one on local elections. They provided, inter alia, that any resident citizen over 18 years of age could participate in elections; they also dealt with such matters as safeguards for independent elections and the composition of election commissions, to which each political party had the right to nominate a member. Each election was supervised by such a commission, which submitted a report to Parliament. Referendums were covered in the same way, the relevant commission being composed of representatives of parties represented in the National Council and each party nominating one representative. The only matters that could not be subject to a referendum were human rights, taxes and the State budget.

54. No legal provisions governed the circumstances in which a Member of Parliament might be expelled. In accordance with the Constitution, a Member of Parliament could lose his or her mandate by failing to accept the oath of office or expressing reservations to it (art. 75), by relinquishment in writing (art. 81 (1)), by termination due to criminal conviction (art. 81 (2)) or through death.

55. With regard to question 12, no provisions of the Constitution or other legislation governed conditions of civil service recruitment. The Labour Code, however, set forth general conditions and, with regard to employment in State bodies, required the adoption of detailed employment and recruitment regulations. In addition, a bill relating to the civil service was currently under preparation. Job categories were not codified. Applicants normally submitted a curriculum vitae and completed a questionnaire; recruits were taken on direct, after selection and testing, on the basis of a signed contract which set forth duties and conditions. Job vacancies were advertised in the media and the nation's employment offices. Matters such as working conditions and equal opportunities for promotion conformed to the provisions of the International Covenant on Economic, Social and Cultural Rights.

56. The question of impediments in respect of people associated with the previous regime had a legal as well as political aspect. A law adopted by the Czech and Slovak Federal Republic which placed impediments on persons such as former secret-service agents had been widely criticized as a violation of the rights to due process of law and to the protection of personal dignity and honour. That law had not been applied in Slovakia, and in any case would have ceased to have effect by 31 December 1996.

57. The CHAIRMAN thanked the members of the Slovak delegation for their replies, and invited members of the Committee to address to them any further comments and questions they might have.

58. Mr. KLEIN expressed thanks to the Slovak delegation. Slovakia had, in any case, succeeded to the Covenant's provisions, but its subsequent actions were a welcome sign of respect for its international obligations. However, no human rights instrument and no international monitoring could suffice to uphold respect for human rights if institutional safeguards were inadequate; and it had always proved wrong to deem a State's organization and structure conceptually separate from human rights safeguards.

59. His first question was whether there were any signs, in the Government or the legislature, of moves to alter the competence of the Constitutional Court with regard to its supervisory powers relating to acts that might violate human rights. Secondly, he would welcome information about reported government interference during the latest referendum on Slovakia's accession to NATO. Thirdly, he wished to have details on the current situation regarding the Democratic Union, the election of whose representatives had been challenged by the majority party; since the Constitutional Court had declined to hear a case brought by the Government challenging the Democratic Union's legality, he wondered whether moves were being made to maintain political pressure on that party.

The meeting rose at noon